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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,484	10/13/2000	Donald C. Jackson	TEL-018	9376
24488	7590	03/24/2004	EXAMINER	
BEVER, HOFFMAN & HARMS, LLP 1432 CONCANNON BLVD BLDG G LIVERMORE, CA 94550-6006			PHAN, MAN U	
		ART UNIT	PAPER NUMBER	
		2665	6	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/687,484	JACKSON ET AL.	
	<b>Examiner</b> Man Phan	<b>Art Unit</b> 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 October 2000.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 13 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date # <u>3,5</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. The application of Jackson et al. for a "method and apparatus for localized voice over internet protocol usage" filed 10/13/2000 has been examined. This application claims benefit from Provisional Application 60/219,911 dated 07/21/2000. Claims 1-15 are pending in the application.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Reference character (310) for "configuration server", as shown in Fig. 1.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 1, 6 are objected to because of the following informalities:

Claim 1, line 5 and claim 6, line 6: "the network medium" should read –the IP network medium—

***Claim Rejections - 35 USC 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>®</sup> of this title before the invention thereof by the applicant for patent.

5. Claims 1, 6 and 9 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Aldous et al. (US#6,654,722).

Aldous et al. disclose in Figs. 1 & 2 block diagrams illustrated a VoIP based speech system for servicing a call received over a PSTN comprising: a PSTN-to-IP gateway 3 for connecting to the PSTN 2; an IP network medium 4 connected to the gateway; and a network server 7 in communication with the IP network medium 4 for automated interaction with a user 1 participating in the call (Col. 5, lines 20 plus).

Aldous further teaches in Fig. 2 illustrated more detail of the VoIP telephony gateway server 3, in which the VoIP gatekeeper 14 (*proxy server functionality*) can perform load balancing in order to ensure the high availability of VoIP enabled speech servers 5 (*plurality of network servers*) able to receive the voice call (Col. 5, line 59 to Col. 6, line 18).

***Claim Rejections - 35 USC ' 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 2-5 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldous et al. (US#6,654,722) in view of Brown et al. (US#6,604,075).

With respect to claim 2, both of these references teach the capability of effectively and efficiently using VoIP enabled speech server for communicating information.

Aldous et al. discloses the claimed limitations discussed in paragraph 2 above. In the same field of the endeavor Brown et al. (US#6,604,075) discloses a novel method and system for use in communicating information in VoIP using a web-based voice dialog interface, according to the essential features of the claims. Brown provides an Interactive Voice Response (IVR) platform which includes a speech synthesizer, a grammar generator and a speech recognizer. The speech synthesizer generates speech, which characterizes the structure and content of a web page retrieved over the network. The speech is delivered to a user via a telephone or other type of audio interface device. The grammar generator utilizes textual information parsed from the retrieved web page to produce a grammar. The grammar is then supplied to the speech recognizer and used to interpret voice commands generated by the user. The grammar may also be utilized by the speech synthesizer to create phonetic information, such that similar phonemes are used in both the speech recognizer and the speech synthesizer (Col. 2, lines 36 plus).

With respect to claims 3-5 and 7-8, Aldous teaches a method for coupling a speech application to a telephony gateway server in a VoIP network. Notably, as shown in Fig. 1 of the preferred embodiment, the VoIP Enabled Speech Server 5 can accept voice commands originating in the telephone device 1 for retrieving Web content from a Web server 7 in a data communications network 6. Specifically, the Web content 8 can be a VoiceXML document 8. In response, the VoIP Enabled Speech Server 5 can retrieve the VoiceXML document 8 from the Web server 7 and can synthesize audio data according to instructions contained in the VoiceXML document 8. Subsequently, the synthesized audio data can be transported across the VoIP network 4 to the VoIP

telephony gateway server 3 and ultimately to the telephone device 1 (Col. 5, lines 47 plus). Aldous further teaches several well-known protocols implement the VoIP protocol specification including H.323, Session Initialization Protocol ("SIP") and Master Gateway Control Protocol ("MGCP"), upon which voice traffic can be transmitted across IP networks. In a VoIP network, analog speech signals received from an analog speech audio source, for example a PSTN or a microphone, are digitized, compressed and translated into IP packets for transmission over an IP network (Col. 1, lines 34-45).

With respect to claims 10-15, they are method claims corresponding to the apparatus and system claims 2-5 and 7-8 as discussed in paragraph 3 above. Therefore, claims 10-15 are analyzed and rejected as previously discussed with respect to claims 12-5 and 7-8.

One skilled in the art would have recognized the need for effectively and efficiently using VoIP enabled speech server for communicating information, and would have applied Brown's teaching of the speech synthesizer, a grammar generator and a speech recognizer in VoIP into Aldous's novel use of the VoIP enabled speech server. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Brown's web-based voice dialog interface into Aldous's voice over IP protocol based speech system with the motivation being to provide a method and system for supporting voice activated services over a telephone interface.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Donovan et al. (US#6,512,818) is cited to show the method and system for releasing a voice response unit from a protocol session.

The Lo (US#6,587,558) is cited to show the system and method for virtual interactive response unit.

The Dodrill et al. (US#6,490,564) is cited to show the arrangement for defining and processing voice enabled web applications using extensible markup language document (XML).

The Monaco et al. (US#6,314,402) is cited to show the method and apparatus for creating modifiable and combinable speech objects for acquiring information from a speaker in an interactive voice response system.

The Ball et al. (US#6,600,736) is cited to show the method of providing transfer capability on web-based interactive voice response services.

The Cave (US#6,404,746) is cited to show the system and method for packet network media redirection.

The Ehlinger (US#6,693,893) is cited to show the method and apparatus for accessing a telephone network from the internet.

The Gallick (US#6,678,359) is cited to show the called party identification in packet switched networks.

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The Nadeau (US#6,240,449) is cited to show the method and apparatus for automatic call setup in different network domains.

The Tonnby et al. (US#6,515,996) is cited to show the modem with IP support.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (703)305-1029. The examiner can normally be reached on Mon - Fri from 6:30 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 305-9051, (for formal communications intended for entry)

Or: (703) 305-3988 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Mphan

03/17/2004.

Man u. Phan  
MANPHAN  
PATENT EXAMINER